



STATE OF DELAWARE
EXECUTIVE DEPARTMENT
OFFICE OF MANAGEMENT AND BUDGET
STATE PLANNING COORDINATION

September 9, 2005

Mr. Roy H. Lopata
Planning Director
City of Newark
220 Elkton Road
P.O. Box 390
Newark, DE 19715-0390

RE: PLUS review – PLUS 2005-07-03; City of Newark Comprehensive Plan
Amendment

Dear Mr. Lopata:

Thank you for meeting with State agency planners on August 24, 2005 to discuss the proposed City of Newark comprehensive plan amendment. Specifically, the City intends to amend the Adjacent Area Land Use Plan II portion of your comprehensive plan to include single family residential (medium density) and multi-family residential uses in this planning area.

The following are a complete list of State agency comments:

Office of State Planning Coordination – Contact: Herb Inden 577-5188

This office supports this annexation only from the standpoint that it helps eliminate an enclave. That said, the State cannot support the proposed amendment, as we understand it, to Newark's **Adjacent Areas Land Use Plan II** of the comprehensive plan which would add residential uses to **Planning Area Two**. Currently, the certified Comprehensive Plan identifies Area Two and this parcel for commercial, manufacturing/office research and stream valley uses, and the State concurs that this is the most appropriate use for this property.

The State Planning Office has two serious concerns regarding this amendment:

- The rezoning will reclassify rare and valuable industrial-like land that could be used for economic development and job creation. The parcel itself seems ideally suited to such use due to its location in the vicinity of existing industrial uses and a rail line.
- The parcel does not appear to be suited for residential use due to the proximity to the above mentioned industrial uses and the rail line. Residential development in this location may lead to health and safety issues as well as noise complaints from future residents.

Our office strongly encourages The City of Newark to weigh these factors with the desires of the applicants when considering this amendment. We also suggest that the City should give great weight to the DEDO comments found elsewhere in this letter.

If age restricted housing is truly needed in the Newark area then the City should amend its comprehensive plan with locations more appropriate for this type of housing, paying particular attention to walkability and to amenities and services that such a population might desire and/or require.

Division of Historic and Cultural Affairs – Contact: Alice Guerrant 739-5685

The Division of Historical and Cultural Affairs has no objection to the proposed amendment to the Newark Comp Plan. There is an area at the rear of the Iron Hill Lumber Company parcel that has potential for surviving prehistoric archeological sites. Should a site be uncovered during the development of this parcel, the Division's archeologists are able to assist with the evaluation of the resource.

Department of Transportation – Contact: Bill Brockenbrough 760-2109

DelDOT supports the annexation because it would reduce the size of a functional enclave, which is under County jurisdiction but accessible only through the City.

- 1) On July 11, 2005, responding to a request from the City, we provided comments on the annexation and subdivision plan. A copy of those comments is enclosed.
- 2) Regarding the proposed rezoning, the proposed residential development might be incompatible with the existing nearby industrial uses. The access to the proposed development would be through an existing industrial park. Given the location of the development, that is the best access available for the parcel, regardless of its use. However, such access necessarily means that residents would have to drive through the park to enter and exit. DelDOT is not familiar with the businesses in this specific park, but industrial parks often have large volumes of truck traffic, which could be hazardous for elderly drivers.

**The Department of Natural Resources and Environmental Control – Contact:
Kevin Coyle 739-9071**

Water Supply

The applicant has not addressed the question of adequacy of water supply. The property in question should not be re-zoned to multifamily residential until some assurance of adequacy of water supply has been provided.

Water Resource Protection Areas

The DNREC Water Supply Section has reviewed the City of Newark Comprehensive Plan Amendment and determined part of the area impacts an excellent recharge area (see map below). Excellent recharge areas have highly permeable sediments at the surface that provide rapid infiltration of precipitation as well as potential groundwater contaminants.

This parcel that will become part of the City of Newark will then come under City of Newark Article VII. Water Resource Protection Regulations: Section 30-54 Use Regulations Part a. Wellhead Resource Protection Areas. This regulation addresses specific distances away from the excellent recharge areas for certain construction types and maximum impervious cover limits for those construction types. There are provisions in this regulation that specify that volume and quantities of groundwater recharge be maintained.



Map of Annexation areas (parcels outlined in light blue) west of City of Newark with excellent recharge areas shown in green.

Department of Agriculture - Contact: Milton Melendez 698-4500

Neither the Delaware Department of Agriculture nor the Delaware Forest Service opposes the City of Newark Comprehensive Plan Amendment. Both the Department and the Forest Service encourages environmentally sensitive design in areas where development is supported by the *Strategies for State Policies and Spending*. The amendment to the comprehensive plan has little or no impact to agricultural or forest activities within the immediate Newark area

Delaware Economic Development Office – Contact: Gary Smith 739-4271

The Delaware Economic Development Office strongly opposes the changes to the City of Newark's comprehensive plan to allow 88 adult condominium units at the Iron Hill property. To access this property individuals living in this community would have to drive through an existing industrial park which is not a good mix. Businesses located in the existing park could be forced to reconsider their location as a result of this project. The Elkton Road area is a major employer base for New Castle County and to jeopardize this with an adult community is not in the best interest of the employees who work in this area. In addition, our office has grave concerns about possible changes, mentioned by Mr. Lopata at this meeting, to the comprehensive plan in regards to allow housing in the future on the Dupont Stine Haskell property. This property needs to remain industrial. The Dupont Stine Haskell property provides some of the highest salaries for employees in the area and to jeopardize this with the opportunity to build houses does not make economic sense.

Public Service Commission – Contact: Andrea Maucher 739-3227

If there are parcels in the City's growth area that are part of any water provider's certificated service territory, the City could offer service prior to annexation if it applies to the Commission for a CPCN. The Commission is not aware of any statute that would prohibit the Commission from granting a CPCN to a private utility to serve those parcels should an application be filed

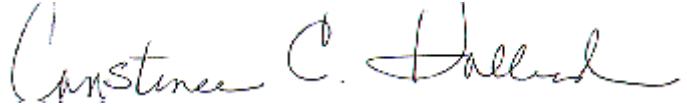
Any expansion of natural gas or installation of a closed propane system must comply with Federal Pipeline Safety guidelines

Following receipt of this letter the City should review all State agency comments and advise this office of any changes made to the plan in response to our comments. Once the updated plan is approved, please forward notice to this office that the update has been finalized.

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Thank you for the opportunity to review this project. If you have any questions, please contact me at 302-739-3090.

Sincerely,

A handwritten signature in blue ink that reads "Constance C. Holland". The signature is fluid and cursive, with the first name "Constance" being more prominent than the last name "Holland".

Constance C. Holland, AICP
Director

CC: New Castle County

Attachment: July 11, 2005 letter from DelDOT

July 11, 2005

Mr. Roy H. Lopata
Planning Director
Department of Planning
City of Newark
220 Elkton Road
Newark, DE 19715-0390

Dear Mr. Lopata:

Thank you for your letter of June 6 regarding the annexation and major subdivision plan for the 18.4-acre Edwards property (Tax Parcels 11-044.00-012, 018, 029 and 030), which is located on the east side of Elkton Road south of Otts Chapel Road. The property is presently the site of the Iron Hill Pallet Company.

The proposed development would consist of 88-age-restricted condominiums in a complex of 11 buildings. Access would be by way of a 24-foot wide street and a 4-foot wide sidewalk in an existing 50-foot wide right-of-way leading from MacIntyre Drive.

Our comments are as follows:

- 1) The existing right-of-way and the entrance to the Lear Seating Corporation plant, on the opposite side of MacIntyre Drive, are not aligned exactly opposite each other. If one or both could be realigned to correct this situation, that would be desirable.
- 2) While the proposed sidewalk along the street leading to MacIntyre Drive is reasonable and appropriate, it is more important to provide a pedestrian connection to Elkton Road and a sidewalk along that road from MacIntyre Drive to West Branch.
- 3) DART Bus Route 65 provides service between Elkton, Maryland and Newark past this site, with an existing stop at Fletchwood Road (Maryland Route 277) / Stone Gate Boulevard, about 850 feet away. Residents of the proposed development could benefit significantly from access to this service. Our aerial photography shows about 80 feet of sidewalk missing from the state line to Stone Gate Boulevard. We recommend that the City contact, or have the developer contact, the Delaware Transit Corporation (DTC) regarding the best way to serve this site. The developer should be required, at DTC's discretion, to provide either a good pedestrian connection to the stop at Fletchwood Road

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or facilities for a new stop closer to the proposed development. A recommended contact at DTC is David Gula, a service development planner there. Mr. Gula may be reached at (302) 577-3278, ext. 3460.

- 4) Regarding access, the proposed access would be on MacIntyre Drive, which is a City street, so no DelDOT entrance permit would be needed. Because the project involves closing existing entrances and providing sidewalk, and perhaps a bus stop, on Elkton Road, the developer will need permits to work in the Elkton Road right-of-way. In that regard, they should contact our Canal District Public Works Engineer, Mr. Richard Fain, at (302) 326-4682.

Please contact me at (302) 760-2109 if you have questions regarding this correspondence.

Sincerely,

T. William Brockenbrough, Jr.
County Coordinator

TWB:rr

cc: Mr. Joseph G. Charma, Landmark Engineering, Inc.
Mr. Ralph A. Reeb, Director of Planning
Mr. Theodore G. Bishop, Assistant Director, Development Coordination
Mr. David V. Gula, Service Development Planner, Delaware Transit Corporation
Mr. Richard Fain, Canal District Public Works Engineer
Mr. Drew A. Boyce, Subdivision Engineer
Mr. John W. Schneider, Subdivision Manager
Mr. Todd J. Sammons, Project Engineer
Ms. Monet Lea, Project Engineer